

UNITED STATES DISTRICT COURT

for the

Northern District of Iowa

United States of America
v.

Case No. 11-MJ-124

ROBERT BURKE

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 2011-June 2011 in the county of Dubuque in the
NORTHERN District of IOWA, the defendant(s) violated:

Code Section

18 USC §§ 2252(a)(2); 2252(b)(1)

Offense Description

Knowingly receiving and attempting to receive child pornography

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Robert Larsen

Complainant's signature

Robert Larsen, Special Agent, Iowa DCI

Printed name and title

Sworn to before me and signed in my presence.

Date: June 3, 2011

[Signature]

Judge's signature

City and state: Cedar Rapids, Iowa

Jon S. Scoles, US Magistrate Judge

Printed name and title

1. I am a Special Agent for the Iowa Department of Public Safety, Division of Criminal Investigation (DCI), and I have been employed by DCI as such since August of 1995. I have successfully completed fourteen weeks of Law Enforcement Training at the Iowa Department of Public Safety Training Center. As part of my duties as a DCI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the area of child pornography and child exploitation, including training from the Internet Crimes Against Children Task Force, and have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. As part of my duties, I am a member of the FBI's Cyber Crime Task Force (CCTF) in Omaha, Nebraska. As a result of my involvement with the FBI CCTF, I have received special federal deputation authority, which among other things, allows me to seek and execute arrest and search warrants supporting a federal task force.

2. This affidavit is in support of a request for a criminal complaint for Robert Burke (XXX-XX-8652) (hereinafter "Burke") for knowingly receiving and attempting to receive child pornography, in violation of 18 U.S.C. §§ 2252(a)(2) and 2252(b)(1).

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experience, my own observations, information received from other law enforcement officers and/or witnesses, direct examination of relevant documents and/or Internet websites, and/or interviews with persons named in this affidavit.

4. On April 10, 2011, an FBI agent in Washington D.C., downloaded eight depictions of child pornography from a computer with a known Internet Protocol (IP) Address. I reviewed the eight downloaded files and determined all eight files depicted child pornography. Following are descriptions of three of the eight downloaded files:

- a. An image file of a naked male who is approximately 8 years old who is performing oral sex on a naked prepubescent male.
- b. An image file of a male who is approximately 8 years old who is performing oral sex on an adult male.
- c. An image file of a male who is approximately 10 years old who is performing oral sex on an adult male.

5. Working with other investigators, I determined that the Internet account corresponding to the above IP address was registered to Robert Burke of Saint John Drive in Dubuque, Iowa.

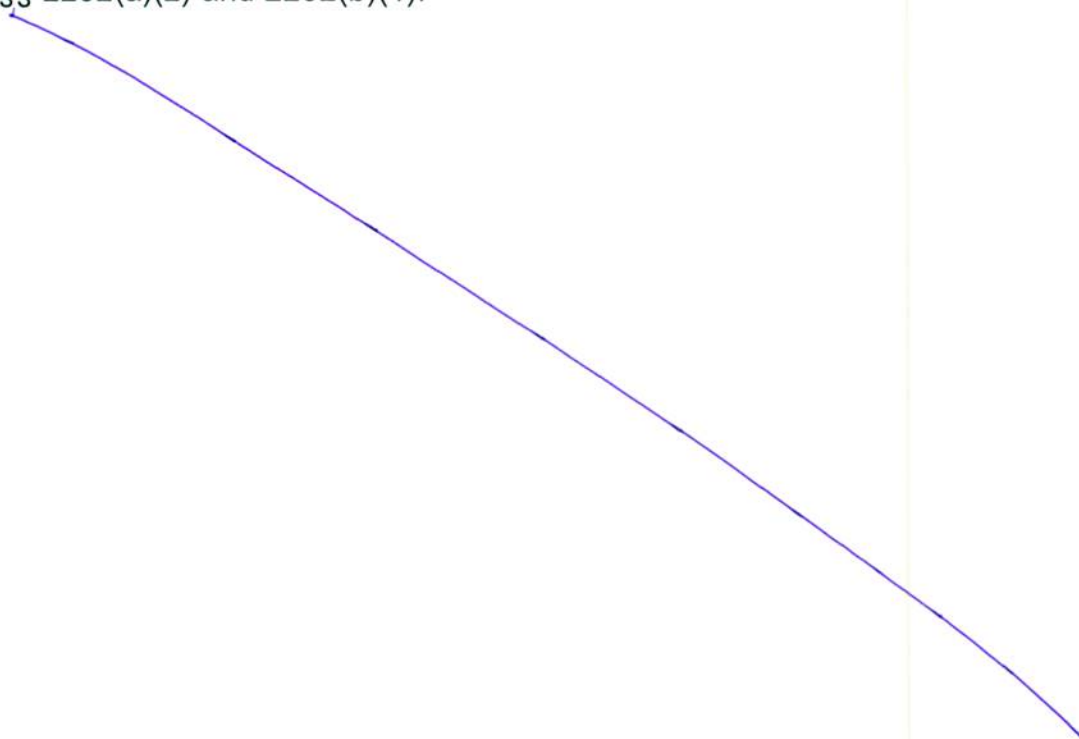
6. On June 2, 2011, I applied for and a federal magistrate judge signed a search warrant for items at Burke's address. Law enforcement agents executed this search warrant on the morning of June 3, 2011. Agents seized Burke's computer and other items. Agents also found printed images at Burke's residence. Some of these images depicted minors engaged in sexually explicit conduct.

7. Agents interviewed Burke on June 3, 2011. Burke admitted he had been knowingly downloading child pornography, using the Internet and a peer-to-peer file sharing program, since January 2011. The Internet and the peer-to-peer file sharing

network are means and facilities of interstate commerce.

8. Burke is the principal at Sageville Elementary School, a school in Dubuque County. Burke stated he had placed a hidden video camera in a boys' bathroom at this school. He stated the camera had produced video images of students who were using the bathroom. Burke stated he had not touched any children in a sexual manner. Agents have not had the opportunity to perform a forensic examination of Burke's computer and other seized electronic evidence. The government does not at this time have evidence to contradict Burke's statement that he had not touched any children in a sexual manner.

9. Based upon my training and experience, I believe there is probable cause to find that, on or between January 2011 and June 2011, ROBERT BURKE knowingly received and attempted to receive child pornography, in violation of 18 U.S.C. §§ 2252(a)(2) and 2252(b)(1).



I declare under penalty of perjury that the foregoing facts and circumstances are true and correct to the best of my knowledge and belief.

Executed this date of June 3, 2011.



Robert Larsen
Special Agent
Iowa Division of Criminal Investigation

Subscribed and sworn to before me this date of June 3, 2011.



JON STUART SCOLES
Magistrate Judge
UNITED STATES DISTRICT COURT